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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TIM ROSAS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. C-08-5000-MHP  
E-FILING CASE

~~PROPOSED~~ ORDER DISMISSING  
CASE BASED ON LACK OF  
PROSECUTION, NON-OPPOSITION TO  
DEFENDANT'S MOTION TO DISMISS,  
AND THE MERITS OF DEFENDANT'S  
MOTION TO DISMISS

After review of the files and materials in this case, Plaintiff's failure to file an opposition to Defendant's Motion To Dismiss For Lack Of Subject Matter Jurisdiction, Plaintiff's lack of prosecution of this case as he did not appear at the January 5, 2009, hearing on Defendant's Motion To Dismiss, and as there is merit to Defendant's Motion To Dismiss, this Court hereby grants Defendant's Motion To Dismiss For Lack Of Subject Matter Jurisdiction and dismisses this case [WITH] [WITHOUT] prejudice. IT IS SO ORDERED.

Dated: 1/7, 2009

By:

